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FILED
DISTRICT COURT OF GUAM
JUL - 5 2006 mba
MARY L.M. MORAN
CLERK OF COURT

11
12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE DISTRICT OF GUAM**

14 UNITED STATES OF AMERICA,)

15 Plaintiff,)

16 vs.)

17 LISA MARIE RODRIGUEZ a.k.a.)
18 LISA RODRIGUEZ-COLE,)

19 Defendant.)

CRIMINAL CASE NO. 05-00077

**GOVERNMENT'S RESPONSE TO
DEFENDANT'S RESPONSE TO
PRESENTENCE REPORT**

20 The defendant stipulated to certain facts in paragraphs 7(c) and 7(d) of her plea agreement
21 filed October 27, 2005:

22 Beginning sometime in August 2004 and continuing to May 17, 2005, the defendant
23 participated in a conspiracy with other individuals, including Mia Mary Rojas,
24 Gerardo E. Gonzalez, Jr., Annette Gonzalez, Deanna Ingrid Morales a/k/a Deanna
25 Morales Guerrero, John Timothy Peralta, and Sean M. Cole a/k/a Shawn Cole to
26 distribute over 100 grams of methamphetamine hydrochloride from California to
27 Guam. As part of the conspiracy, the defendant knew that Mia Mary Rojas and
28 Gerardo E. Gonzalez, Jr. arrived on Guam on about May 16, 2005, as passengers on
board Continental Airlines Flight #001. The defendant knew that Rojas smuggled
162.5 grams, gross weight, of methamphetamine hydrochloride that she concealed
in a condom and secreted in her vaginal cavity. On May 17, 2005, the defendant was
contacted by Gerardo Gonzalez by telephone and he advised her that Rojas and
Gonzalez were in Room 208 of the Hotel Mai Ana and were waiting for someone to
pick up the drugs they brought to Guam, and afterwards the defendant conveyed the
message in person to Deanna Ingrid Morales.

1 The parties stipulate that the defendant's relevant conduct in this case, as defined in
2 USSG Section 1B1.3, shall be the analyzed net weight, exclusive of packaging, of the
3 methamphetamine which Mia Mary Rojas secreted on her person and law
4 enforcement agents discovered when she arrived Guam on May 16, 2005.

5 The defendant stipulated to such facts during her change of plea hearing on October 28, 2005.
6 Defendant's objections to Paragraph 10 of the presentence investigation report directly contradict
7 what she acknowledged about her role and offense conduct in the conspiracy during the entry of her
8 guilty plea.

9 Attached are government exhibits A, B, C, D, E and F which are the transcripts of recorded
10 conversations of members of the conspiracy, including the defendant's recorded conversations. If
11 necessary, the government intends to call Special Agent John Duenas of the U.S. Immigration and
12 Customs Enforcement concerning the recordings and transcripts made of such conversations.

13 Dated this 5/1 day of July 2006.

14 LEONARDO M. RAPADAS
15 United States Attorney
16 Districts of Guam and CNMI

17 By:

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19 MARIVIC P. DAVID
20 Assistant U.S. Attorney
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6:50pm, May 17, 2005 Call to Lisa Rodriguez but answered by Sean Cole. Number called is 646-5330.

Sean: Hello.

Gerardo: Hey it's about time somebody answers the damn phone.

Sean: What's going on?

Gerardo: What's up? I guess Lisa is looking for us.

Sean: Yeah, I'm looking for you too.

Gerardo: Shit we spent our last money. We are at the same place.

Sean: Did you ever get a hold of John?

Gerardo: No been trying to.

Sean: No shit!

Gerardo: What's that?

Sean: I said no shit. So you at the Mai Ana?

Gerardo: Yeah.

Sean: What room?

Gerardo: 208.

Sean: 408?

Gerardo: No, 208.

Sean: 208. Alright. Been trying to get a hold of John. He ditched my calls. I had it with John.

Gerardo: Yeah. I fucking....

Sean: My phone calls are never returned.

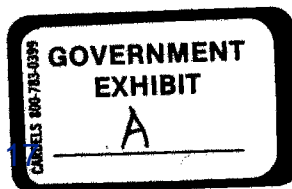
Gerardo: We're trying to get out of this mother fucker. This shit is hell of hot!

Sean: What's hot?

Gerardo: The airport from Honolulu.

Sean: Was it?

Gerardo: Yeah.



Sean: Fucking Rick didn't make it.

Gerardo: That's what I heard. I talked to my mom. What happened?

Sean: I haven't talked to him yet. He just called me the other day. He is in the federal detention here in Agana.

Gerardo: Oh my God.

Sean: Here in Guam. Doug didn't make it through. He is in federal detention in Honolulu.

Gerardo: What happened? What did he get busted with?

Sean: He got busted with whatever he was coming through the last time. Remember when I seen you, I bought that time.

Gerardo: Yeah.

Sean: Plus he came up with three and a half of his own, I guess.

Gerardo: My mom said that she didn't trust the girl that Rick got busted with.

Sean: Yeah I was worried about you.

Gerardo: Oh really.

Sean: I worried about you coming through just because of Rick.

Gerardo: Oh yeah.

Sean: I was at the airport tonight till about 6:30 you know.

Gerardo: Yeah, I don't even want to stay at this fucking motel. They're acting funny at the front desk.

Sean: What do you want to do? You can come over here if you want.

Gerardo: No I'll. No I don't have a ride.

Sean: I don't have a ride either. Lisa just went to see Alex. Alex is in the hospital.

Gerardo: Oh shit, what happened?

Sean: She has been sick for 2 to 3 weeks. They took her in to the emergency room. They took her for the last two days.

Gerardo: Oh no. Then give me a call right here.

Sean: Visiting should is like closed right now.

Gerardo: Okay, as soon as she gets back just fucking come over here.

Sean: Alright, I'll do that.

Gerardo: Um I guess I just give you a call back in a little bit or just show up.

Sean: I'll come by.

Gerardo: 208

Sean: Alright.

Gerardo: Alright.

Second call to Sean Cole at 456-2051, 8:15pm, May 17, 2005.

Sean: Yeah?

Gerardo: Hey, did you?

Sean: Who is this?

Gerardo: This me, G

Sean: Who's me?

Gerardo: G Hello

Sean: Okay, what's up?

Gerardo: Did you get a hold of Lisa?

Sean: What's that? Where is Lisa?

Gerardo: Yeah.

Sean: She is suppose to pick up Alex.

Gerardo: We don't have no grub or anything.

Sean: Gerardo?

Gerardo: Yeah

Sean: What's up?

Gerardo: No I was saying we don't have no grub or anything. I was going to see if you can. If you can. I tried to call Lisa on her cell phone.

Sean: No this is my cell phone. Visiting hours is over at eight o'clock. Right now they should be here any minute.

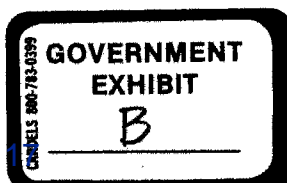
Gerardo: Okay, um.

Sean: I just tried to call John, actually just trying to figure how to move this thing for you.

Gerardo: Okay. Yeah that's what I'm doing. I need to take off within a couple of days. I don't want to be here.

Sean: What's that?

Gerardo: I need to take off in a couple of days. A day or two. I don't want to be here.



Sean: I was trying to make phone calls to see if they even. cause I'm sure hurting myself.

Gerardo: Yeah appreciate it. What's his name is not even answering the phone.

Sean: I have been trying to get a hold of him too. Yeah but as soon as Lisa gets back home I'll come by.

Gerardo: Alright. Um, could you bring a burger or actually I'll wait till you get here then I'll get something to eat.

Sean: You want me to bring a what?

Gerardo: Something to eat cause I'm, we spent all our money in the room.

Sean: I

Gerardo: Alright so within half hour or so?

Sean: She should be back here any minute already.

Gerardo: I'll talk to you in a little bit.

Incoming telephone call from Sean Cole. May 17, 2005.

Sean: What do you want at McDonalds?

Gerardo: Your stopping by McDonalds? That will work, a quarter pounder meal okay. Where are you?

Sean: I'm at home.

Gerardo: Is she there?

Sean: Unintelligible.

Meeting 2

Rojas, Gonzalez, Sean Cole, Mesa, Matta

COLE Here you go

Mia I feel like shit

COLE These people are going to help me out actually she knows where to get the weed, this is my friend Gilbert and his girlfriend Jessica. They get the weed for the ssame guy, John be getting it from.

Matta Hundred a

MESA Eight for a Hundred and -----, I think its an ounce for seven hundred. Three eights for three hundred

Matta It all skunk

Jessica The red hair, sticky

MESA Red hair sticky

MIA My stomach fucken hurts

GONZALEZ They were everywhere Honolulu, everywhere

MIA They were everywhere, the dogs like

GONZALEZ Even here, everywhere

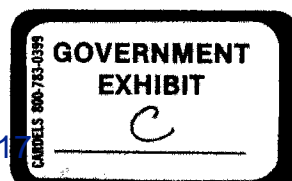
MIA I'm on my period, I'm on my period

COLE It's like the dogs, it's like up against the wall fuck fuckin

GONZALEZ This is going to be my last night here, tomorrow, if you can get me into the Outrigger or something

COLE You can stay at my house, deal with Lisa my paranoid half. The last two people I got, thousands and thousand of dollars just tossed into the wind, like fifteen grand

MIA What the fuck happened to Rick? You all don't know or what?



COLE Rick is um, yeah, I talked to Rick last night he said that he is at Agana Detention Center that's all he can tell me

GONZALEZ -----trust Rick

COLE I didn't trust nobody

MIA How many did he have on him?

COLE Seven ounces. Everything was on Erica. He didn't have anything on him.

GONZALEZ I talked to my mom and she said I don't want you there anymore

COLE I'll tell you one thing, I'll tell you straight up. John, one thing John won't tell you.

GONZALEZ When I was in Texas, I was calling John. He said I sent your money and he will be spelling my whole name out on the phone

COLE The money he sent you is my money, I gave him that money. I gave him that last thousand bucks. I gave it to John, because that was when somebody came in, I can't remember it was when Manny came in

GONZALEZ Manny is still here?

COLE No Manny is gone. John is like can you give me a thousand dollars send it over, otherwise they ain't fucken with me no more. So I kicked him down a thousand dollars

GONZALEZ Mr. High Roller

COLE Yeah Mr High Roller, so that was my thousand bucks

GONZALEZ I told my mom try and do what ever I gotta do, I'm out of here in two days if possible

COLE I hear that, so what do you got

GONZALEZ I got five

MIA I got five, it's a little over five

COLE Can we check it, these guys want to check it and

dump some

MIA Just don't smoke it, my stomach hurts

GONZALEZ This motel too, the soon as we came in here the lady at the front desk was like

COLE That because you guys were being fucken dicks the last time

MIA Shit, they were talking about, you guys left a big ass mess the last time. That's a little over five. So what's up with Alex?

COLE Alex is in the hospital, Alex is sick

MIA What happened?

COLE She has been sick for a couple of weeks, she has been in the hospital and um.

MESA I've only seen like this much

COLE Yeah these people, these are Guamanians. Your mom has been calling me wanting me to go to the airport to pick you guys up. I've been going to the airport every fuckin day to pick you guys up.

MIA Well Saturday we got a little drunk

COLE Well I've been going to the fuckin airport every night. Lisa was there and she said I ain't going in there. I said what the fuck, you can't get arrested for walking in the airport, I was pissed I said get your fuckin ass back here. I walked into the fuckin airport that kind of shit has been going on.

GONZALEZ That's from Texas right there.

COLE You got a pipe

GONZALEZ Not in here, well shit, are you going to be able to hook the room tomorrow?

COLE If nothing else you can stay at my place. I got a four bedroom house. I got me and my old lady and one kid. I'm sure John is going to find out about this eventually, he is going to jump right into the middle of it.

GONZALEZ No, I don't think so

COLE What's John got invested in this?

GONZALEZ He barely, you said you sent the money right?

COLE The last thousand that's it?

GONZALEZ That's it

COLE Well, fuck John then

GONZALEZ You going to hook me up?

COLE I have two thousand in the bank, I'll tap into that if I have to. That's my last two thousand, dude that's all I have for the last six months is two thousand dollars

GONZALEZ I just want to spend this night with her and then tomorrow give you a call in the morning

COLE Let me, you want me to take it all

GONZALEZ Yeah, I don't want to have that shit here

COLE Last time I came through, I came through with nothing

GONZALEZ We had to walk to this mother fuckin, I didn't even want to come to this motel

MIA Mind you, we didn't have any money so we walked

COLE Your mom called, I went to the airport, Lisa went to the airport. She called me up and said I don't see them outside. I said go inside, she's like no I ain't going inside there. I said get your ass back here to the house and I'll go inside and look inside and it was like that you know. You want bomb you know where it's at.

May 17, 2005, 9:40pm, call to Lisa Rodriguez at 646-5330.

Lisa: Hello

Gerardo: Li?

Lisa: Huh?

Gerardo: What's up

Lisa: Hey dude.

Gerardo: What's going on?

Lisa: Nothing. What's up.

Gerardo: Shit I have been trying to get a hold of everybody and nobody....

Lisa: What do you mean?

Gerardo: I've been calling everybody and nobody is answering the phone.

Lisa: You got a hold of John right?

Gerardo: Earlier but I couldn't get a hold of him after that.

Lisa: I don't know.... Alex is in the hospital. Sean is not here. I came home from the hospital and Sean is not here. I am making Ricky sleep right now. I don't know if Sean is with John cause Sean doesn't have a car.

Gerardo: I need to get out of here. I already want to go home. I already heard about Rick, Doug and all that.

Lisa: Huh?

Gerardo: Doug.

Lisa: Doug ain't the problem.

Gerardo: Okay.

Lisa: Okay, neither is Rick. This is not a good phone to talk on.

Gerardo: My mom was saying. I just need to get out of this.

Lisa: I know. Where's John? What did John have to say?

Gerardo: He suppose to call back. I've been trying to call back.

Lisa: I don't know babe, I'm just putting Ricky in bed right now.

Gerardo: Alright, I guess I'll give you a call back or.

Lisa: Yeah, call back. Yeah you were calling?

Gerardo: We ended up fucking walking we're over here at the room. We ended up walking.

Lisa: From the airport?

Gerardo: Yeah.

Lisa: Me and Sean went to pick you up.

Gerardo: That they said. That's what my mom said but I don't even want to come here to this motel.

Lisa: I think you guys should be fine.

Gerardo: You want me to call back?

Lisa: Yeah call back in a little while.

9:55pm, May 17, 2005, second call to Lisa at 646-5330.

Lisa: Hello

Gerardo: Hey.

Lisa: Huh. Okay you want me to come
get you or what?

Gerardo: Oh fuck. I just want to get this
out of here.

Lisa: Are you fucking kidding me?

Gerardo: I want to spend the night with her and tomorrow
get another room.

Lisa: Are you fucking kidding me? No I'm just saying he
hasn't called you at all?

Gerardo: Oh that's what I'm waiting on, a phone call.
That's why I am calling.

Lisa: Oh okay. Alright. I'm going to go. What's the room
number?

Gerardo: 208.

Lisa: Okay that's all I need to know I'm going to try.
I'll go by his house to see. Fucking asshole.
Okay.

Gerardo: Uh. I guess ya.

Lisa: Other than that, if I was you, I would just be
cool. I really would. Where you're at is safe.

Gerardo: I just want to fucking. I seriously want to get
out of here.

Lisa: I feel you. I really feel you.

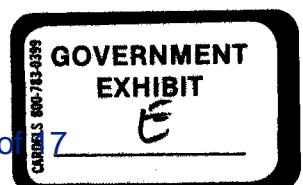
Gerardo: Actually, me and her will just chill here if you
say it's cool but I just want to get this out of
here. I don't feel right.

Lisa: I know.

Gerardo: Honolulu is all fucked up. I don't know.

Lisa: Okay, I understand where you are coming from.

Gerardo: And I don't trust Rick. My mom said.



Lisa: After you hung up the phone I was thinking. Fuck I wasn't even sure what you were talking about. So stupid mother fucker. He is a fucking pussy.

Gerardo: What's up with Rick?

Lisa: Rick is fine. I'll talk to you in person okay.

Gerardo: Okay. Are you coming over or?

Lisa: Um. I have Ricky with me. I am going to check on dumb ass.

Gerardo: Cause if not do you have Deanna's number? We're trying to leave in two days. Less than two days if I can.

Lisa: I don't have Deanna's number. Her phone is not working anyway.

Gerardo: Is she around?

Lisa: Yeah, she's around. She's at her house. I'll go by there right now okay.

Gerardo: I don't want you to leave the little guy.

Lisa: I'm going to take him with me. I'm not going to leave him.

Gerardo: Okay.

Lisa: Honestly Gerardo, Honestly the less calls you make the better off you were and secure. Honestly you'll do fine, I really do.

Gerardo: Alright.

Lisa: I think we should make this call short.

Gerardo: okay.

Lisa: At least from my side okay.

Gerardo: Give you a call.

Lisa: No. I'll call you.

Gerardo: Okay

Lisa: Okay.

Meeting 3

Deanna You guys came from Texas? My man is out there.

Gonzalez Yeah I know

Deanna Fucking Rick got taken last night. Rick and Erica. They are fucken sweeping, cleaning house

Gonzalez I'm trying to leave in two days. I called John over here.

Deanna Yeah, ain't nobody over there Lisa sent me over here and told me you want to get rid of that shit, so what you got?

Gonzalez Less than six, this is five

Deanna I don't care, yeah okay, give me it so I can get out of here

Gonzalez I want to leave in about two days

Deanna It will be gone, it will be gone guarantee

Gonzalez When we checked in, the lady at the desk....

Deanna She remembered you guys.

Gonzalez Yeah

Mia She was like you guys left the mess the last time you were in the room

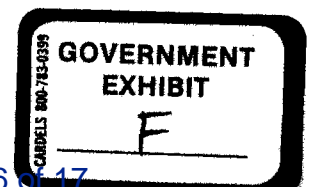
Deanna Oh hell no

Gonzalez In Guam, as soon as we got here, the dogs were all out there

Deanna That's where they got Rick and Erica

Mia I was shitting bricks, I am on my period. I thought it burst in my stomach

Gonzalez I was thinking Rick, my mom doesn't trust that bitch.



Deanna You all know, no, no don't trust her

Gonzalez I'm trying to get out of this mother fucker
tomorrow

Deanna Is this completely five?

Gonzalez Yeah

Mia 151.7, little over five

Gonzalez That's 161

Deanna I got a scale at the house. You guys got ten bucks on you I can borrow, I
need ten dollars to make my phone calls, my phone is dead. As soon as I
get my phone hooked up I'm going to call you.